

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

IN RE MEDTRONIC, INC.
SPRINT FIDELIS LEADS PRODUCTS
LIABILITY LITIGATION

MDL NO. 08-1905 (RHK/JSM)

**ORDER DENYING PLAINTIFFS'
LEAD COUNSEL'S MOTION TO
DISMISS AS MOOT**

This documents relates to:
Smith v. Medtronic, Inc. et al.
08-cv-05328

On May 31, 2011, Plaintiffs' Lead Counsel filed a Motion to Dismiss the above-referenced matter pursuant to Federal Rule of Civil Procedure 41(a) and the Master Settlement Agreement (Doc. No. 36). However, this case was already dismissed and judgment was entered (Doc. No. 31) before the Master Settlement Agreement was executed; the United States Court of Appeals for the Eighth Circuit later affirmed that dismissal. Accordingly, Plaintiffs' Lead Counsel's Motion to Dismiss pursuant to Rule 41(a) and the Master Settlement Agreement is **DENIED AS MOOT**.

Dated: July 7, 2011

s/ Richard H. Kyle
RICHARD H. KYLE
United States District Judge